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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,327	02/12/2004	Kazuo Okada	SHO-0061	5313
23353 7590 10/28/2008 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER				
DEODHAR, OMKAR A				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
10/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,327

Applicant(s)

OKADA, KAZUO

Examiner

OMKAR A. DEODHAR

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Final Rejection

Response to Arguments & Amendment

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. All claims are respectfully rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-5 & 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al. (US 6,517,433) in view of "Slot Machines, A Pictorial History of the First 100 Years", 5th Ed. by Marshall Fey, in yet further view of Mastera et al. (US 6,315,666).

Claims 1, 4 & 5:

Loose teaches a secondary display provided in front of a first display device such that reels & symbols of the first display can be viewed through the second display. (See Loose Abstract, Figures 2A & 2B & Figure 5.) This mechanism is interpreted as a variable display device. Loose's secondary display is an optically transmissive display device provided in front of the first display.

A slot machine is a lottery device.

The slot machine can be programmed for different displays & games.

Reels (whether simulated or physical) have a stop device to display a combination of elements on the machine's display regions. Without a stop device there would be no definite outcome. See Loose Col. 3. Lines 50-54.

While Loose teaches a plurality of player input buttons located below the display device (Loose - Figure 6 Item 26 is one such example) Loose does not teach a stop button that controls the display such that at least one of a plurality of symbols are statically displayed; nor does Loose teach the claimed:

"wherein the optically transmissive electric display device is operative in a series of modes such that, for an initial mode, the optically transmissive electric display device reveals only one rotating reel and, when the stop element associated with the rotating reel is activated by the player, the rotating reel stops and the optically transmissive electric display device reveals only a selected one of the plurality of symbols on the stopped reel and, for a subsequent mode, the optically transmissive electric display device reveals only one rotating reel along with the previously selected one of the plurality of symbols on the previously stopped reel and, when the stop element

associated with the rotating reel is activated by the player, the rotating reel stops and the optically transmissive electric display device reveals only a select one of the plurality of symbols on the stopped reel along with the previously selected one of the plurality of symbols on the previously stopped reel."

On Page 231 of the Fey reference, (submitted herewith, pertinent portions highlighted), the "Reel 21" game (1936) is taught. The left two windows are the cards dealt, the center window shows the dealer's hand and a button under each window on the right opens a shutter revealing a "hit" card. In an initial mode, the first window to the right of the dealer's hand conceals one reel & when the button underneath the window is pressed, the shutter opens & reveals a symbol. Similarly, in a subsequent mode, the second window to the right of the dealer's hand conceals another reel & when the button underneath the window is pressed, the shutter opens & reveals a symbol. In this manner, a second symbol is revealed along with the previously revealed first symbol. Buttons configured to open shutters revealing symbols are analogous to Applicant's stop button that reveals reel symbols.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate Fey's teaching of the "Reel 21" game into Loose's system. Since there are a finite number of ways to show symbols using what amounts to stop or reveal buttons & Fey teaches a mechanical way of doing so, it would have been obvious to try implementing Fey's mechanical method into Loose's electronic machine. This is further viewed as a substitution of known elements with the predictable results of attracting players by imparting a sense of control over the game; by deciding

when symbols are revealed. While Loose & Fey teach the invention substantially as claimed, they do not teach a lower display device provided below several stop buttons.

Mastera teaches a lower display device provided below several buttons, See Mastera, Figure 2.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate a lower display device provided below several buttons as taught by Mastera for the purpose of realizing secondary game events in a manner than maintains player interest, (This motivation is found in Mastera, Col. 2. Lines 61-65).

Claims 3, 7 & 8:

Loose teaches bonus games, See Abstract. A bonus game is a special game state that can be advantageous to a player and is initiated based on satisfying some predetermined condition. See Col. 3. Lines 11-15. Bonus games have special or unique displays associated with them. Note that Loose's second display provided in front of the first display can be configured such that certain elements of the first display are visible and other elements are not visible. See Col. 5. Lines 24-30.

Claim 9:

While Loose teaches a bonus game, Loose does not teach determining an image in the bonus game by a player's operation of stop buttons. In view of Fey's teaching of a button configured to open a shutter revealing a symbol & Examiner's interpretation that this button is analogous to Applicant's stop button revealing reel symbols, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to

extend Fey's teaching to Loose's bonus game. This is viewed as a substitution of known elements with the predictable results of attracting players by imparting a sense of control over the bonus game; by deciding when symbols are revealed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMKAR A. DEODHAR whose telephone number is (571)272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OAD/

/Corbett Coburn/
Primary Examiner
AU 3714